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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,830	10/23/2003	Atri Indiresan	112025-0529	6331
24267 7590 10/29/2007 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER SINKANTARAKORN, PAWARIS	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,830

Applicant(s)

INDIRESAN ET AL.

Examiner

Pao Sinkantarakorn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-28 are currently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 - 4, 12, 13 -16, 25, 26, 27, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishwar et al. (US 2004/0017816).

Ishwar et al. disclose, **regarding claims 1 and 27**, an apparatus for transferring data packets between a source node and a destination node contained in a data network, wherein the source node and destination node belong to the same virtual-local-area network (VLAN), the apparatus comprising:

means for establishing a virtual port associated with the destination node, the virtual port supporting a plurality of connections (see Figure 5 reference numeral P3 and paragraph 41, multiple VLAN tunnels emanate from the same port P3, wherein the virtual port is established for each connection by binding the virtual port to the corresponding physical port and to the respective stacked VLAN tunnel), a particular connection associated with the VLAN (see column 40, lines 13 – 18, wherein the result

of the exit port table lookup is the physical port to which the packet should be forwarded implies an association between the logical port and the destination, wherein the VLAN tunnel corresponds to a connection);

means for acquiring a data packet from the source node, wherein the packet is associated with the VLAN and contains a destination address associated with the destination node (see paragraph 40, lines 1 – 3, 10 – 12, port P1 is the means for acquiring a data packet); and

means for transferring the packet to the destination node over the particular connection via the virtual port (see paragraph 40, lines 12 – 13, the data packet is forwarded using the virtual port);

Claim 28 is rejected for the same reason as claims 1 and 27, wherein Ishwar et al. disclose a computer readable medium comprising computer executable instructions for execution in a processor (see paragraph 60 lines 8-17).

regarding claim 2, applying a port identifier (ID) associated with the virtual port to an interface descriptor block (IDB) database to identify an IDB database entry associated with the virtual port (see Figure 4B, Box VLAN TABLE, wherein the VLAN TABLE corresponds to an interface descriptor block database);

regarding claim 3, the identified IDB database entry contains a VLAN ID that represents the VLAN associated with the packet (see paragraph 40, lines 2, Figure 4B, Box VLAN TABLE);

regarding claim 4, wherein the packet contains a VLAN ID that represents the VLAN associated with the packet (see paragraph 40, lines 2 – 3);

regarding claim 12, wherein the particular connection is a trunked connection (see Figure 3, Box 308 STACKED VLAN TUNNEL);

regarding claim 13, wherein the particular connection is associated with a connection identifier (ID) (see paragraph 37, lines 8 – 12, wherein 600 corresponds to a connection identifier);

regarding claim 14, identifying an entry in a VLAN ID database that contains a virtual connection (VC) ID that matches the connection ID (see paragraph 40, lines 16 – 18);

regarding claim 15, acquiring an encapsulated packet on the particular connection (see paragraph 34, lines 13 – 15);

identifying an internal VLAN ID associated with the particular connection's ID (see paragraph 37, lines 8 – 12, paragraph 40, lines 12 – 18);

and doubly encapsulating the encapsulated packet wherein the doubly encapsulated contains the internal VLAN ID (see paragraph 34, lines 13 – 18);

regarding claim 16, the doubly encapsulated packet is encapsulated in accordance with the Institute of Electrical and Electronics Engineers (IEEE) 802.1Q standard (see paragraph 34, lines 13 – 14);

regarding claim 25, an intermediate node (see Figure 4A, Box 402) comprising:
a line card coupled to a network wherein the line card is configured to acquire data packets containing destination addresses (see paragraph 59, line 3 - 6); and

a processor(see paragraph 60, lines 1 – 2) configured to (i) establish one or more virtual ports wherein each virtual port is associated with a plurality of connections and each connection is associated with a virtual-local-area network (VLAN) (see Figure 5 reference numeral P3, paragraph 40 lines 13-18, and paragraph 41, multiple VLAN tunnels emanate from the same port), (ii) associate an acquired packet with a VLAN (see paragraph 40, lines 1 – 4), (iii) identify a virtual port associated with a destination address contained in the acquired packet (see paragraph 40, lines 11 – 13, learning the MAC destination address, then forwarding the data through a logical port implies making an association between the logical port and the destination address), (iv) identify a particular connection associated with the VLAN (see paragraph 37, lines 9 – 13, paragraph 40, lines 1 – 4, lines 16 – 18, the VLAN ID is used to look up a logical port which is associated with a connection, therefore, the connection is associated with the VLAN) and (v) transfer the packet over the particular connection via the virtual port (see paragraph 40, lines 11 – 12);

regarding claim 26, an intermediate node as defined in claim 25 wherein the connections are a combination of connection types (see paragraph 54, lines 4 – 7).

Claim Rejections - 35 USC § 103

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishwar et al. in view of Delaney et al. (US 6937574).

Ishwar et al. disclose, regarding claim 5, all the subject matter of the claimed invention as recited in paragraph 3 of this office action and applying a VLAN ID that identifies the VLAN associated with the packet to a forwarding database to locate a forwarding database entry that contains a VLAN ID that matches the VLAN ID that identifies the VLAN associated with the packet; and identifying a virtual port associated

with the destination node using a port identifier contained in the matching forwarding database entry (see paragraph 40, lines 1 – 6).

Ishwar et al. fail to teach applying the destination address contained in the packet to a forwarding database to locate a forwarding database entry that contains destination address that matches the destination address contained in the packet.

Delaney et al. from the same or similar field of endeavors teach applying the destination address contained in the packet to a forwarding database to locate a forwarding database entry that contains destination address that matches the destination address contained in the packet and identifying a virtual port associated with the destination node using a port identifier contained in the matching forwarding database entry (see column 7, lines 10 – 15, 17 – 19);

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use applying the destination address contained in the packet to a forwarding database to locate a forwarding database entry that contains destination address that matches the destination address contained in the packet and identifying a virtual port associated with the destination node using a port identifier contained in the matching forwarding database entry in the method taught by Ishwar et al. in order to provide correct data forwarding by separating packets intended for different VLANs but with the same destination address (see column 7, lines 19 – 22).

8. Claims 6, 7, 9, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishwar et al.

Ishwar et al. disclose, **regarding claim 6**, all the subject matter of the claimed invention as recited in paragraph 3 of this office action and applying a port identifier (ID) associated with the virtual port to an interface descriptor block (IDB) database to identify an IDB database entry associated with the virtual port (see paragraph 40, lines 16 – 18) ; applying a VLAN ID that identifies the VLAN associated with the packet to the VPORT VLAN database to locate a VPORT VLAN database entry that contains a VLAN ID that matches the VLAN ID that identifies the VLAN associated with the packet; encapsulating the packet (see paragraph 40, 5 – 6, Figure 4B, Box VLAN TABLE); and transferring the encapsulated packet over a particular connection identified by a connection ID contained in the matching VPORT VLAN database entry (see paragraph 40, lines 12 – 13).

Ishwar et al. fail to teach locating a virtual port (VPORT) VLAN database using an address contained in the IDB database entry;

However, it is obvious to link two databases by using address pointer.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use locating a virtual port (VPORT) VLAN database using an address contained in the IDB database entry in the method taught by Ishwar et al. in order to allow accurate data forwarding by using the correct forwarding database.

Regarding claim 7, Ishwar et al. disclose the packet is encapsulated in accordance with the Institute of Electrical and Electronics Engineers (IEEE) 802.1Q standard (see paragraph 34, lines 13 – 14);

Regarding claim 9, Ishwar et al. disclose all the subject matter of the claimed invention as recited in paragraph 3 of this office action.

Ishwar et al. fail to teach the connection is a point-to-point protocol (PPP) connection.

However, it is well-known in the art at the time of the invention to use a point-to-point protocol connection.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the connection is a point-to-point protocol (PPP) connection in the method taught by Ishwar et al. in order to allow safe data transmission by using the encryption feature in a PPP connection.

Claim 21 is rejected the same reason as above.

9. Claims 8, 18, 19, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishwar et al. in view of Delaney et al.

Ishwar et al. disclose, **regarding claim 8**, all the subject matter of the claimed invention as recited in paragraph 3 of this office action.

Ishwar et al. fail to teach acquiring the encapsulated packet;
decapsulating the acquired encapsulated packet to yield the original packet;
applying the destination address contained in the original packet to an address translation database to determine if the destination address matches an internal address contained in an entry in the database; and if so, replacing the destination address in the original packet with an external address contained in the matching entry

Delaney et al. from the same or similar field of endeavors teach acquiring the encapsulated packet (see column 16, line 4);

decapsulating the acquired encapsulated packet to yield the original packet (see column 16, line 16);

applying the destination address contained in the original packet to an address translation database to determine if the destination address matches an internal address contained in an entry in the database (see column 16, lines 23 – 27);

and if so, replacing the destination address in the original packet with an external address contained in the matching entry (see column 16, lines 23 – 27);

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use acquiring the encapsulated packet; decapsulating the acquired encapsulated packet to yield the original packet; applying the destination address contained in the original packet to an address translation database to determine if the destination address matches an internal address contained in an entry in the database; and if so, replacing the destination address in the original packet with an external address contained in the matching entry in the method taught by Ishwar et al. in order to allow correct data routing.

Ishwar et al. disclose, **regarding claim 18**, In a data network comprising a plurality of nodes, a method for transferring data packets between a source node and a destination node contained in the network, wherein the source node and destination node belong to the same virtual-local-area network (VLAN) (see paragraph 34, lines 6 – 7), the method comprising the steps of:

generating a data packet at the source node (see paragraph 40, lines 1 - 2, receiving packet from customer C1 implies the customer, which is the source has generated a packet) wherein the data packet contains a destination address associated with the destination node (see paragraph 34, lines 12 - 14, wherein 802.1Q formatted packet implies a destination address is contained in the packet);

transferring the packet to a source intermediate node contained in the network (see paragraph 40, lines 1 - 2, wherein the SPED A receives the packet implies the packet is transmitted from the source);

at the source intermediate node, (i) acquiring the packet (see paragraph 40, lines 1 - 2, wherein SPED A corresponds to a source intermediate node), (ii) identifying a VLAN associated with the packet (see paragraph 40, lines 2 - 4), (iii) identifying a virtual port through which the destination node may be reached, the virtual port supporting a plurality of connections (see Figure 5 reference numeral P3, paragraph 40, lines 10 - 12, and paragraph 41, multiple VLAN tunnels emanate from the same port), (iv) identifying a particular connection that is associated with the virtual port and the packet's VLAN (see paragraph 37, lines 10 - 12, paragraph 40, lines 2 - 6), and (v) transferring the packet over the particular connection via the virtual port to a destination intermediate node contained in the network (see paragraph 40, lines 10 - 13);

Ishwar et al. fail to teach and at the destination intermediate node, (i) acquiring the packet, (ii) identifying a port through which the destination node may be reached and (iii) forwarding the acquired packet to the destination node.

Delaney et al. from the same or similar field of endeavors teach and at the

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destination intermediate node (see column 9, lines 18 – 19, wherein the multiplex switch corresponds to the destination intermediate node), (i) acquiring the packet (see column 9, lines 18 – 19), (ii) identifying a port through which the destination node may be reached and (iii) forwarding the acquired packet to the destination node (see column 9, lines 34 – 39);

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use at the destination intermediate node, (i) acquiring the packet, (ii) identifying a port through which the destination node may be reached and (iii) forwarding the acquired packet to the destination node in the method taught by Ishwar et al. in order to allow accurate data transfer.

Regarding claim 19, Ishwar et al. disclose at the source intermediate node, encapsulating the packet (see paragraph 34, lines 12 – 18);

regarding claim 20, the packet is encapsulated in accordance with the Institute of Electrical and Electronics Engineers (IEEE) 802.1Q standard (see paragraph 34, lines 13 – 14);

regarding claim 24, the particular connection is a trunked connection (see Figure 3, Box 308 STACKED VLAN TUNNEL);

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishwar et al. in view of the background invention of Ishwar et al.

Ishwar et al. disclose, **regarding claim 10**, all the subject matter of the claimed invention as recited in paragraph 3 of this office action.

Ishwar et al. fail to teach the connection is an Asynchronous Transfer Mode (ATM) virtual connection (VC).

The background invention of Ishwar et al. from the same or similar field of endeavors teach the connection is an Asynchronous Transfer Mode (ATM) virtual connection (VC) (see paragraph 003, lines 1 – 3).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the connection is an Asynchronous Transfer Mode (ATM) virtual connection (VC) in the method taught by Ishwar et al. in order to allow reliable data transfer.

Ishwar et al. disclose, **regarding claim 11**, all the subject matter of the claimed invention as recited in paragraph 3 of this office action.

Ishwar et al. fail to teach the connection is a frame relay connection.

The background invention of Ishwar et al. from the same or similar field of endeavors teach the connection is a frame relay connection (see paragraph 003, lines 1 – 4).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the connection is a frame relay connection) in the method taught by Ishwar et al. in order to allow efficient data transfer.

11. Claims 22 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Ishwar et al. and Delaney et al. in view of the background invention of Ishwar et al.

Ishwar et al. and Delaney et al. disclose, **regarding claim 22**, all the subject

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matter of the claimed invention as recited in paragraph 9 of this office action.

Ishwar et al. and Delaney et al. fail to teach the connection is an Asynchronous Transfer Mode (ATM) virtual connection (VC).

The background invention of Ishwar et al. from the same or similar field of endeavors teach the connection is an Asynchronous Transfer Mode (ATM) virtual connection (VC) (see paragraph 003, lines 1 – 3).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the connection is an Asynchronous Transfer Mode (ATM) virtual connection (VC) in the method taught Ishwar et al. and Delaney et al. in order to allow reliable data transfer.

Ishwar et al. and Delaney et al. disclose, **regarding claim 23**, all the subject matter of the claimed invention as recited in paragraph 9 of this office action.

Ishwar et al. and Delaney et al. fail to teach the connection is a frame relay connection.

The background invention of Ishwar et al. from the same or similar field of endeavors teach the connection is a frame relay connection (see paragraph 003, lines 1 – 4).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the connection is a frame relay connection) in the method taught by Ishwar et al. and Delaney et al. in order to allow efficient data transfer.

Response to Arguments

12. Applicant's arguments filed 8/3/2007 have been fully considered but they are not persuasive.

On page 2 of the remarks, the applicants submit that Ishwar does not teach "the virtual port supporting a plurality of connections." In reply, the examiner respectfully disagrees. In figure 5 of Ishwar, the port P3 of the reference numeral 502 clearly shows 3 different VLAN tunnels going to 3 different devices, which reads on the claim limitation "the virtual port supporting a plurality of connections" (also see paragraphs 40-41).

Therefore, in view of the above reasoning, the examiner believes that the 102(e) and 103(a) rejections should be sustained.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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14. Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

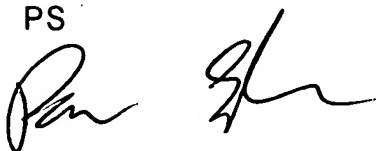
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pao Sinkantarakorn whose telephone number is 571-270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-3:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS

A handwritten signature in black ink, appearing to be "PS" followed by a stylized flourish.

CHIRAG G. SHAH
PRIMARY PATENT EXAMINER